

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARVIN GERBER, et al,

Plaintiffs,

Case No. 2:19-cv-13726

Hon. Victoria Roberts

v.

HENRY HERSKOVITZ, et al,

Defendants.

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**STIPULATED ORDER EXTENDING BRIEFING SCHEDULE DATES
FOR THE PENDING MOTIONS TO DISMISS (ECF 32 AND 45)**

The parties hereto, by and through their respective attorneys, stipulate as follows:

Plaintiffs filed their Complaint (ECF 1) and commenced this action on December 19, 2019. Following a conference call with counsel for some of the parties, on January 3, 2020, the Court entered an Order (ECF 10) granting the Protester Defendants' Motion to Extend Time to File an Answer the Complaint and setting the following deadlines and briefing schedule dates:

1. Plaintiffs to file their First Amended Complaint by January 11, 2020;
2. Defendants to file first responsive pleadings by March 10, 2020;
3. Plaintiffs to file responses by April 30, 2020;
4. Defendants to file replies by May 21, 2020.

In accordance with ECF 10, Plaintiffs filed their First Amended Complaint on January 10, 2020. The City Defendants filed their Motion to Dismiss (ECF 32) on March 10, 2020, and pursuant to a Stipulated Order (ECF 33), the Protester Defendants filed their Motion to Dismiss (ECF 38) on March 18, 2020 which was corrected on March 27, 2020 (ECF 45) following entry of an Order Declining to Exercise Supplemental Jurisdiction Over Plaintiffs' State Law Claims and Dismissing, Without Prejudice, Counts XIV to XXIII of the First Amended Complaint (ECF 41).

In the midst of the foregoing, on March 10, 2020, Governor Gretchen Whitmer issued Executive Order 2020-4 declaring a state of emergency in Michigan, and on March 23, 2020, to combat the spread of COVID-19 in Michigan, Governor Whitmer issued Emergency Executive Order 2020-21 entitled, *Temporary requirement to suspend activities that are not necessary to sustain or protect life* which requires all individuals to temporarily remain home and that all businesses suspend all in-person work that is not necessary to sustain or is commonly referred to as the Stay Home, Stay Safe Order, which was extended through April 30, 2020 by Executive Order 2020-42.

The coronavirus pandemic has greatly impacted the ability to engage in normal personal and business activities, including the Court, the parties to this matter, and their respective attorneys, and even if the Stay Home, Stay Safe Order is lifted, activities will not return to normal for some time.

Because of the impacts of COVID-19 and the Stay Home, Stay Safe Order, the parties and their attorneys agree they would all benefit from additional time to prepare and file their respective briefs relating to the pending Motions to Dismiss, and the parties stipulate and agree to extend the briefing schedule dates for the pending City Defendants' and Protester Defendants' Motions to Dismiss (ECF 32 and 45) as follows: a) Plaintiffs to file Response Briefs on or before June 1, 2020; b) Defendants to file Reply Briefs on or before June 22, 2020.

The Court being otherwise fully advised in the premises.

IT IS HEREBY ORDERED that the briefing schedule dates for the pending Motions to Dismiss (ECF 32 and 45) are amended as follows:

- i. Plaintiffs to file Response Briefs on or before June 1, 2020;
- ii. Defendants to file Reply Briefs on or before June 22, 2020.

IT IS FURTHER ORDERED that the remaining briefing schedule dates in ECF 10 are stricken.

s/ Victoria A. Roberts
Victoria A. Roberts,
U.S. District Court Judge

Dated: 4/27/2020

Stipulated and agreed as to form and content:

/s/Marc M. Susselman (with permission)
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/s/Timothy S. Wilhelm
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Dated: April 20, 2020